

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor George E. Meyer, Secretary Ronald W. Kazmierczak, Regional Director Northeast Region Headquarters 1125 N. Military Ave., P.O. Box 16448 Green Bay, Wisconsin 54307-0448 Telephone 920-492-5900 FAX 920-492-5913 TDD 920-492-5912

July 11, 2000

Mr. Robert Lussier St. Mary's Parish 212 Appleton Street Menasha, WI 54952

> SUBJECT: Case Closure of the LaSalle Center site, 502 Second Street, Menasha, WI BRRTS # 03-71-152358

Dear Mr. Lussier:

On September 21, 1999, the above-named site was reviewed by the Bureau for Remediation and Redevelopment's Northeast Region Closeout Committee to determine whether the case qualified for closeout under ch. NR 726, Wis. Adm. Code. This panel reviews environmental remediation cases for compliance with state laws, standards, and guidelines to maintain consistency in the closeout of cases. The committee has approved the closure of this case.

Upon receiving the monitoring well abandonment forms and the signed restriction on July 7, 2000, the Department considers the above referenced case "closed", having determined that no further action is necessary at the site at this time. The site will now be listed as closed in the WDNR tracking system.

Based on the investigative documentation provided to the Department, it appears that the petroleum contamination at the above-named site is in compliance with the requirements of chs. NR 700 to NR 726, Wis. Adm. Code. However, this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicate that contamination on or from the site poses a threat to public health, safety or welfare to the environment.



Legal Description
for
St. Mary Congregation
Title of Document

Document Number

Lot One (1) of Certified Survey Map No. 3974, filed in the office of the Register of Deeds for Winnebago County, Wisconsin in Volume 1 of Certified Survey Maps on Page 3974, as Document No. 1008062, being all of lots 1 thru 5 and all of lots 20 thru 24 and part of lots 6, 7, 8, and 19, Block 37, Plat of Menasha, First Ward, City of Menasha, Winnebago County, Wisconsin.

St. Mary Congregation

St. Mary Congregation 212 Appleton Street Menasha, WI 54952

Record this document with the Register of Deeds

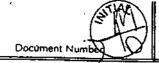
Name and Return Address:

(Parcel Identification Number)

OF

PAE

This instrument was drofted by:



## STATE BAR OF WISCONSIN FORM 1 WARRANTY DEED

This Deed, made between St. Mary Congregation of Menasha, Wisconsin, a/k/a St. Mary's Congregation of Menasha, a Corporation, Grantor, and LaSalle Center, Inc., Grantee,

Witnesseth, That the said Grantor, for a valuable consideration, conveys to Grantee the following described real estate in Winnebago County, State of Wisconsin:

Per Attachment "A" hereto.

This is not homestead property.

THIS INSTRUMENT WAS DRAFTED BY

(Signatures may be authenticated or acknowledged. Both are

Attorney Robert N. Duimstra

Appleton, Wisconsin

not necessary.)

Together with all and singular the hereditaments and appurtenances thereunto belonging;

And Grantor warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants and general taxes levied in the year of closing and will warrant and defend the same.

1023394

REGISTER'S OFFICE WINNEBAGO COUNTY, WI RECORDED ON

1998-08-25 14:05:10

SUSAN WINNINGHOFF REGISTER OF DEEDS

RECORDING FEE 14.00 TRANSFER FEE 450.00 # OF PAGES 3

Recording Area

Name and Return Address

Attorney Robert N. Duimstra Daniel R. G.

P<del>.O. Box 785</del>

PO Box 646

Appleton, WI 54912-0785-

Neemah, WI 5

Parcel No. 1 00207 00

County, Wisconsin

My commission expires 5-12

1/999

Grantee, its successors and assigns, shall take title subject to the right of Grantor to approve any subsequent sale and conveyance of title to said property. Grantor shall retain said rights so long as Grantor shall legally exist and continue to maintain a school within 500 feet of said property. Grantor may disapprove of a proposed sale and conveyance to a successor or assignee of Grantee only for good and reasonable cause related to a likely use of said property not compatible with or appropriate to the conduct and operation by Grantor of a neighboring school for children.

Dated this <u>43</u> day of June, 1998.	
	ST. MARY CONGREGATION OF MENASHA, WISCONSIN
(SEAL)	The Most Reverend Robert J. Banks, President (SEAL)
(SEAL)	Mary Fulton (SEAL)  Mary Fulton, Trustee/Secretary
AUTHENTICATION	ACKNOWLEDGMENT
Signature of the above named authenticated this day of June, 1998.	STATE OF WISCONSIN ) ss.  WINNEDA & O COUNTY  NAKY E FULTON  Personally came before me this /3 day of June, 1998,
ROBERT N. DUIMSTRA TITLE: MEMBER STATE BAR OF WISCONSIN	the above named person, to me known to be the person who executed the foregoing instrument and acknowledge the same.

## ACKNOWLEDGMENT

STATE OF WISCONSIN ss.

## Brown COUNTY

## Most Reverend Robert J. Banks, President

Personally came before me this <u>23rd</u> day of <u>June</u>, <u>1998</u>, the above named person, to me known to be the person who executed the foregoing instrument and acknowledge the same.

Thank b Trueger, Notary Public

Brown County, Wisconsin

My commission expires August 26, 2001

## ATTACHMENT "A

Lot Two (2) of Certified Survey Map No. 3974, filed in the office of the Register of Deeds for Winnebago County, Wisconsin in Volume 1 of Certified Survey Maps on Page 3974, as Document No. 1008062, being all of Lots 17 thru 18 and part of Lots 6, 7, 8, and 19, Block 37, Plat of\*Menasha, First Ward, City of Menasha, Winnebago County, Wisconsin.

Part of Tax Key Nos. 701-0210 and 701-0207 \*the Town of

# 1094401 REGISTER'S OFFICE WINNEBAGG COUNTY, WI RECORDED ON 05-15-2000 09:23 AN SUSAN WINNINGHOFF REGISTER OF DEEDS RECORDED FEE 14:40 RESERVED FEE 14:40 RESERVED FEE 14:40

## Declaration of Restrictions

In Re: Lot Two (2) of Certified Survey Map No. 3974, filed in the office of the Register of Deeds for Winnebago County, Wisconsin in Volume 1 of Certified Survey Maps on Page 3974, as Document No. 1008062, being all of Lots 17 thru 18 and part of Lots 6, 7, 8, and 19, Block 37, Plat of the Town of Menasha, First Ward, City of Menasha, Winnebago County, Wisconsin.

Part of Tax Key Nos. 701-0210 and 701-0207

STATE OF WISCONSIN	)	
COUNTY OF Winnebago	)	22

Recording Area

Name and Return Address: Jerold J. Bechard Bechard Group, Inc. 17 Park Place Appleton, WI 54914-8271

Parcel Identification Number (PIN)

WHEREAS, Mount Tabor Center (formerly known as LaSalle Center, Inc.) is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. Petroleum-contaminated groundwater above NR 140 enforcement standards existed on this property at similar concentrations as identified in off site groundwater monitoring points (temporary monitoring well TW1 and monitoring well MW1) on Figure 2, hereby attached and made a part of this document. These off site monitoring points exhibited the following concentrations: benzene concentration of 11 microgram per liter (µg/L) & naphthalene concentration of 610 µg/L at TW1 on January 26, 1998; naphthalene concentration of 150 µg/L at MW1 on July 9, 1999.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in NR 809 is restricted by NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is beld and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or it successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document,  $0 \le C/HR$  asserts that he/she is duly authorized to sign this document on behalf of the Mount Tabor Center.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 2000, day of 18 A 7 , 2000.

Subscribed and sword to before me

Notary Public State of

Signature: Printed Name

This document was drafted by the Wisconsin Department of Natural Resources based on information provided by OMNNI Associates.



## **GROUNDWATER USE RESTRICTION**

## Declaration of Restrictions

In Re: Lot One (1) of Certified Survey Map No. 3974, filed in the office of the Register of Deeds for Winnebago County, Wisconsin in Volume 1 of Certified Survey Maps on Page 3974, as Document No. 1008062, being all of Lots 1 thru 5 and all of Lots 20 thru 24 and part of lots 6, 7, 8, and 19, Block 37, Plat of Menasha, First Ward, City of Menasha, Winnebago County, Wisconsin.

STATE OF WISCONSIN )

COUNTY OF Winnebago )

REGISTER'S OFFICE WINNEBAGO COUNTY, WI RECORDED ON 05-30-2000 01:35 PM SUSAN WINNINGHOFF REGISTER OF DEEDS RECORDING FEE 14.60 TRANSFER FEE OF PAGES 3

## Recording Area

Name and Return Address: Rev. Robert Lussier St. Mary's Parish 212 Appleton Street Menasha, WI 54952

Parcel Identification Number (PIN)

WHEREAS, St. Mary Congregation, Menasha, Wis. (Catholic Church of Green Bay) is the owner of the above-described property.

WHEREAS, petroleum-contaminated groundwater above NR 140 enforcement standards existed on this property as identified in temporary monitoring well TW1 and monitoring well MW1 on Figure 2, hereby attached and made a part of this document. These monitoring points exhibited the following concentrations: benzene concentration of 11 microgram per liter ( $\mu$ g/L) & naphthalene concentration of 610  $\mu$ g/L at TW1 on January 26, 1998; naphthalene concentration of 150  $\mu$ g/L at MW1 on July 9, 1999.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in NR 809 is restricted by NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or it successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, Rober + Lussier asserts that he/she is duly authorized to sign this document on behalf of St. Mary Congregation, Menasha, Wis.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 24 day of \_\_\_\_\_\_, 2000.

Signature: (

Printed Name: Robe

- Lussier

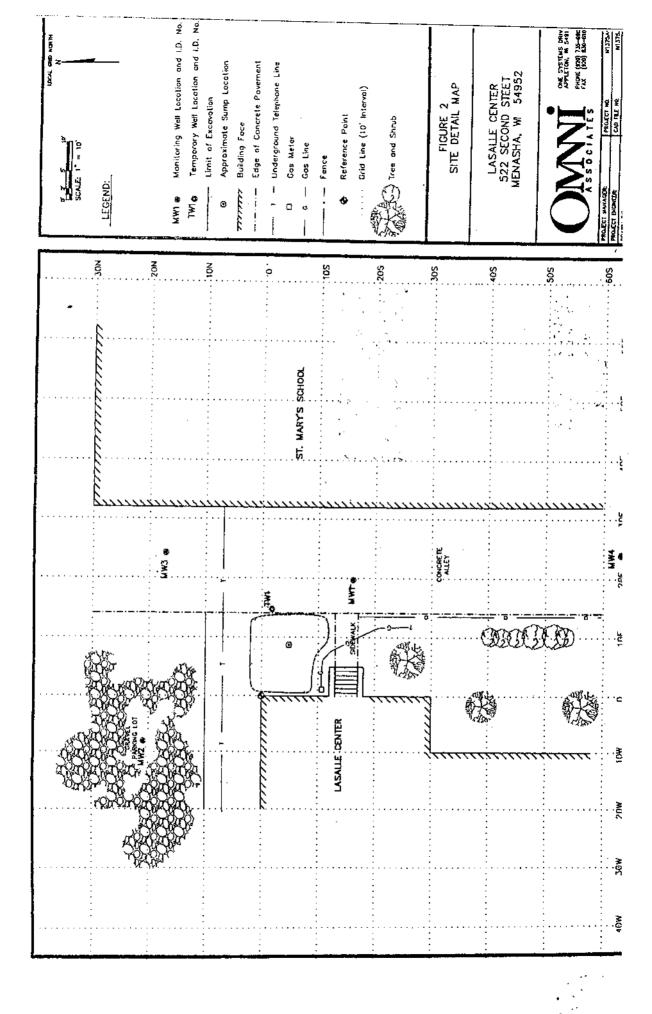
Subscribed and sworn to before me

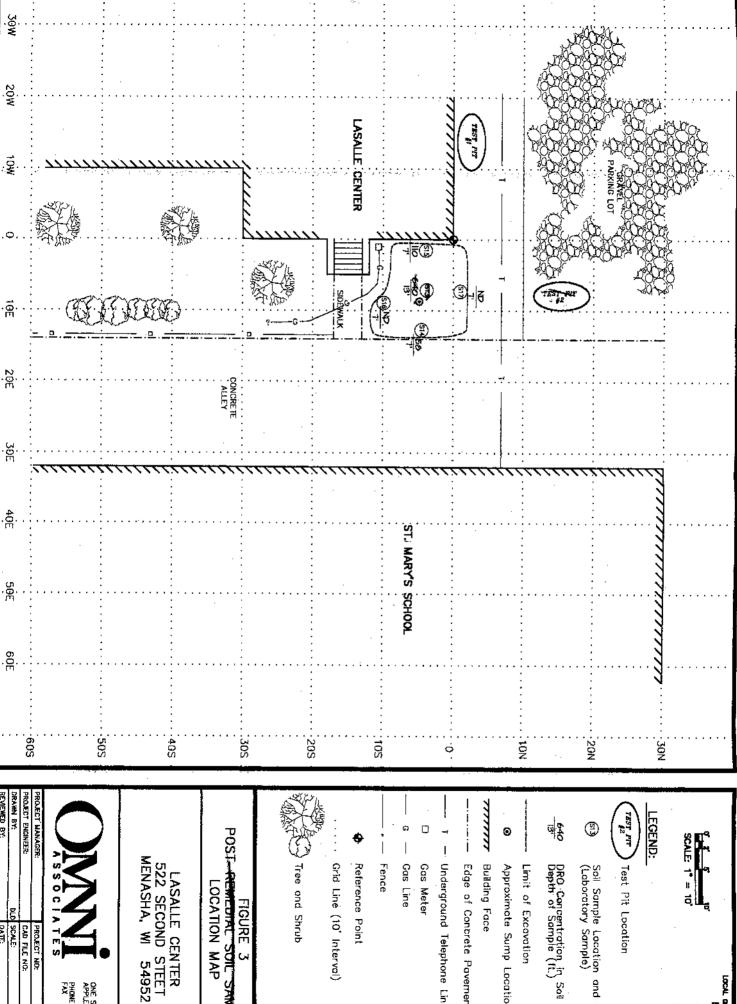
this 24 day of Acres, 200

Notary Public, State of Wisconsin

My commission exercises 2-24-2007

This document was drafted by the Wisconsin Department of Natural Resources based on information provided by OMNNI Associates.





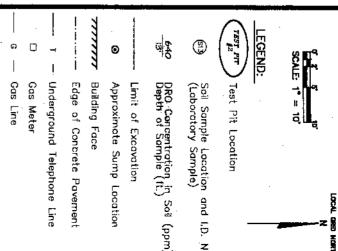


FIGURE 3
POST REMEDIAL SOIL SAMPLE Tree and Shrub LOCATION MAP



CAD FILE NO:

ONE SYSTEMS APPLETON, WI

PHONE (920) 73 FAX (920) 80

501 BXCAUATAD 10/97 WATAA anvolko Fran suno

TABLE 2

# SUMMARY OF LABORATORY ANALYSIS GROUNDWATER - HISTORICAL $\rightarrow ACC$ past sxc4Us+

PARAMETER (µg/L)	ES	FAL		St	SUMP		TWI					
SAMPLE DATE		l	**********	1000					I M IV		ž.	MW4
DETROTED PVOC. WOC.	-		10/17/97	4/13/98**	4/16/99	66/6/1	1/26/98***	7/28/98	4/16/99	66/6/1	4/16/99	66/6/2
					İ							
DENCENE	~	0.5	0.94	<0,32	<0.32	<0.32		20	<0.50	C /mad	100	
p-BUTYLBENZENE	•		69	ž	16.0	Ž	1			0.	26.03	\$0.32
sec-BUTYLBENZENE	ļ, —		8.2	ž	92.00	ž	V .	×.	3	Y.	\$6.23 \$4.23	ΝΆ
tert-BUTYLBENZENE		ļ. L	<042	N.	5	VI VI		ν. ;	41	¥	\$ <del>0</del> 34	ΑN
ETHYLBENZENE	700	140	25	₽L 0>	310	F   6	¥   :	V.	3,50	NA	<0.33	ΑN
ISOPROPYLBENZENE		,	=	42	55.6	85.0		5	6.5	17	<0.34	<0.34
p-1SOPROPYLBENZENE				5	100	¥	¥	ž	6.5	Ϋ́	<0.34	Ϋ́
MTBE	٤	2	9,5	V.	0.31	NA	ž	ΑN	3,8	NA	<0.31	A'A
NAPHTHALENE	\$ \$		17.0		<0,31	<0.31	7	<0.31	<3.1	NA	<0.31	<0.31
n-PROPVI HENZENE		•	30	6.5	2.8	ΑΝ	0/3	330	041	150	<0.88	Ϋ́
BNELLICI		.	21	¥	0.56	ΝA	12	ΝΑ	21	ž	<0,3	¥
RTHYI BRNZSN	Ç.	0.80	2.8	0.76	2.4	<0.35	300‡	2.9	3.5	0.65	_	<0,35
1.3.5-TRIMETHY! RENZENB	(combined)	96 (combined)	£ 6	8.	40.41	<0.35	250‡	82	5.6	1.3	<0.83	\$1.6
ta.p.XYI.FNF			₽	3	<0.45	\$0.65	‡091	%	28	30	29.0	49.0>
o-XYLENE	(combined)	124 (combined)	77 77	<0.98 (combined)	9:17	. ∧	43	£ :	9.9>	-	1.9	⊽
DETECTED PAH'S						(mailine)	(pauloulog)	(complined)	3.2	(combined)	1.5	(combined)
ACENAPHTHALENE		ļ.	42				]	} 	1			
ANTHRACENE	3000	009	g ž	NA NA	V.	<0.042	¥	¥	¥.	NA	0.58	<0.042
BENZO(a)ANTHRACENE		1	¥2	2 2	¥ 2	81.0	¥.	¥	ΨN	ΑΝ	0.12	<0.037
BENZO(a)PYRENE	0,2	0.02	¥	1 2	V 1	/th///	¥	¥	ΑĀ	NA A	0.35	<0.047
BENZO(b)FLOURANTHENE	0.2	0.02	ž	ž	2 2	À E	ž :	¥	¥Z	Ϋ́		<0.07
BENZO(g,h,I)PERYLENE			× ×	42	5 2		¥	¥	¥	ΑĀ	100	<0.1
BENZO(k)FLOURANTHENE		1.	¥×	ž	5	77	¥	¥N	ž	NA AN	89'0	<0.22
PLOURANTHENE	400	80	ž	42	2 2	<0.043	¥.	Y.	NA	¥	0.2	<0.043
PHENANTHRENE		<u> </u>	¥	₩ Z	1 7	;	ž	¥Z ;	YY	Ϋ́	0.64	<0.25
PYRENE	250	8	Y.	NA NA	¥ 2	1000	¥ ;	YN :	٧×	Ϋ́	0.5	<0.12
				;	5	*15.51	¥Z.	¥	42	***		

PAL - Preventive action limit

<0.32 = < {sample detection limit}

MWI = Permanent groundwater monitoring well LD. No. TWI - Temporary monitoring well I.D. No.

- The Sump is being monitored to assess the effectiveness of the remedial efforts. The ES and PAL are shown for comparative purposes only. The sump is not constructed in a manner which will allow it to be used as an NR 140 point of enforcement.
  - The temporary monitoring well was not constructed in a manner which will allow it to be used as an NR 140 point of enforcement.

ţ

- Groundwater sample taken from the sump before the April 3, 1998, pumping event.
  - Groundwater sample taken from the sump after the April 3, 1998, pumping event
- \*\*\* Groundwater sample taken from the temporary monitoring well before the April 3, 1998, pumping event. \* Sample concentration detected above the preventive action limit

- Sample concentration detected above the enforcement standard

## TABLE 1 SUMMARY OF FIELD HEADSPACE ANALYSIS SOIL TEST PIT AND EXCAVATION SAMPLES OCTOBER 8, 1997, SAMPLING EVENT

ſ	SAMPLE ID	SAMPLE LOCATION		DEPTH (ft)	PID (ppm*)	SOIL CHARACTERISTICS
_ L	Sl			2	0.0	Red-brown sandy clay.
]				4	0.0	Red-brown wet clay.
	S2	Test P	it # i	6	0.0	Red, tight, dry clay.
	S3			9	0.0	Red and gray sandy clay.
	S4			2	0.0	Red-brown silty clay.
	S5			4	0,0	Red-brown clay.
l	S6	Test I	Pit #2	6	0.0	Red, tight, dry clay.
	S7			9	0.0	Red and gray moist clay
	28			11	<u> </u>	Brown sandy clay.
	S9		Bottom center.	7	1	Red-brown clay.
₹	\$10	This motorial was removed from the side.	East wall.		486.0	Red-brown silty clay.
	S11		Bottom center.	11	<del> </del>	Red-brown sandy clay.
	S12		Bottom center.	12	540.0	
	F≈ S13	This ensterial was left in place.	Bottom.	13	511.0	Red-brown sandy clay.
	F S14		East wall.	7	62.2	Red-brown silty clay.
	F⇔ S15		West wall.	7	217.0	Red and gray silty clay.
	F≈ S16		South wall,	7	169.0	Red and gray silty clay.
	<u> </u>	-	North wall.	7	42.9	Red and gray silty clay.
	₽ \$17		North wasi.	_ \		

 <sup>=</sup> isobutylene equivalents
 = samples collected for laboratory analysis

EMOVAD

## N1375A99 ST. MARY'S PARISH/LASALLE CENTER

# TABLE 5 HISTORICAL GROUNDWATER TABLE ELEVATIONS

Date	MW1	MW2	MW3	MW4	SUMP
07/28/98	750.81				756.96
04/16/99	750.11	DRY	DRY	751.32	756.79
07/09/99	750.44	DRY	DRY	747.97	757.11
	· <del></del> .	<u></u>	<u> </u>		
				<u> </u>	
	<u> </u>				
				<u></u>	
Top/BM Elevation	764.08	764.24	764.39	763.18	766.76
Ground Surface Elevation	764.3	764.5	764.7	763.8	764.5
Depth of Well	14.82	17.06	17.96	17.41	9.80
Top of Screen Elevation	759.26	757.18	756.43	755.77	766.96
Bottom Elevation	749.26	747.18	746.43	745.77	756.96
Avg. Water Surface Elev.	<u> </u>	_			
(Historical)	750.45	-	-	749.65	756.95
Avg. Depth to Water from Surface (Historical)	13.89	-	-	14.15	7.52
Min. Depth to Water from Surface (Historical)	13.53			12.48	7.36
	13.33	ļ <del>-</del>	<del>                                     </del>	12.40	7.50
Max. Depth to Water from Surface (Historical)	14.23		-	15.83	7.68